

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

REC'D TN
REGULATORY AUTH.

In Re:

**Petition for Arbitration of
Bluestar Networks, Inc. with
BellSouth Telecommunications,
Inc. Pursuant to the
Telecommunications Act of 1996**

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Docket No. 99-00945

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SECRETARY

**BLUESTAR NETWORKS, INC.'S FIRST SET OF DATA REQUESTS TO BELL SOUTH
TELECOMMUNICATIONS, INC. (NOS. 1 - 14)**

Pursuant to the rules of the Tennessee Regulatory Authority (Authority), Bluestar Networks, Inc., (BlueStar) propounds the following data requests to BellSouth Telecommunications, Inc. (BellSouth). Please answer these data requests under oath and serve such answers on Michael B. Bressman, Associate General Counsel, BlueStar Networks, Inc., 414 Union Street, Suite 900, Nashville, Tennessee 37219 on or before May 24, 2000.

I. DEFINITIONS AND INSTRUCTIONS

1. For the purposes of these data requests, the following definitions shall apply:

“Documents” is used in the broadest sense and includes all tangible things that record information, whether or not such things are in BellSouth’s possession, custody or control, and regardless of who prepared or signed them. “Documents” includes both the original and any copy or draft, and all copies which contain any notation not on the original. Examples of “documents” include, but are not limited to, handwritten, typed or printed papers, handwritten notations, office notes, calendar entries, diaries, notes of telephone conversations, photographs, reports, receipts, invoices, memoranda, correspondence, notes, ledger entries, and computer

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printouts, cards, tapes, disks, and other means of electronically or magnetically maintained information, including on computer diskettes and CD ROM.

“Identify” means (1) when used with reference to a natural person, give the person’s full name, business or residence address, business or residence telephone numbers, occupation and employer; (2) when used with reference to an entity, give the entity’s full name, principal place of business, address and telephone number; (3) when used with reference to a document, give the document’s date, title, author, recipient, type (*e.g.*, letter, memorandum, note, *etc.*), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for discovery; and (4) when used with reference to an action taken by an entity, identify the person(s) taking the action, describe the nature of the action, and give the date on which the action was taken. If any action identified pursuant to (4) involved a communication with another person, identify the person(s) with whom the actor(s) communicated; and, if the communication was through the use of a document, identify the document through which the communication was made.

“Person” includes a natural person, partnership, joint venture, firm, corporation, association, organization, or any other type of business or legal entity.

“CLEC” means a competitive local exchange carrier.

“DLC” means a digital loop carrier system.

“LFACS” means Loop Facility Assignment and Control System.

“New outside plant” means feeder and/or distribution facilities engineered from the ground up to serve new demand.

2. If the answers to any of the following data requests could be provided through the

production of existing documents within BellSouth's possession or control, or within the possession or under the control of any of its representatives, including its attorneys, BlueStar will accept such production in lieu of written answers to any such data requests.

3. Provide the names, addresses and positions of each person responsible for preparing each of the answers to the following data requests, and of each person providing information used in the preparation of each answer.

4. If you maintain that any document or record which refers to or relates to anything about which these data requests ask or that would be responsive to any of the data requests has been destroyed, set forth the contents of said document, the location of any copies of said document, the date and circumstances of said destruction and the name of the person who ordered or authorized such destruction.

5. In answering these data requests, furnish all information and responsive documents in the possession of BellSouth or in the possession of any director, officer, employee, agent, representative, or attorney of BellSouth.

6. If you cannot answer any data request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of a data request, you should so state, describing in full your efforts to obtain the information requested, and then proceed to answer to the fullest extent possible.

7. When the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods applicable to each portion of the response.

8. Where the information requested, including but not limited to cost studies and related information, is or can be made available on diskette, please provide the documentation on diskette and indicate the format in which the data is provided.

II. DATA REQUESTS

The following data requests should be answered separately, fully and served on Michael B. Bressman, Associate General Counsel, BlueStar Networks, Inc., 414 Union Street, Suite 900, Nashville, Tennessee 37219. Each of the following data requests is intended to be a continuing data request; in the event that at any later date BellSouth obtains any additional facts or documentation, or forms any conclusions, opinions or contentions that are different from those set forth in its answers to such data requests, BellSouth shall amend and/or supplement its answers to such data requests promptly, and sufficiently in advance of any hearing on this matter before the Authority.

1. Please describe the extent to which BellSouth's recurring and nonrecurring UNE loop cost studies consider BellSouth's forward-looking deployment of bridge taps, and load coils, *i.e.*, specifically what costs are associated with bridge taps and load coils in BellSouth's study, how were those costs derived, and specifically where in the study do they appear?

2. Please identify the overall number and percentage of loops in BellSouth's recurring cost study, and in its current network, that are provisioned with and without DLC systems (*i.e.*, electronics).

3. Please identify the costs associated with converting an order for an xDSL capable loop to an order for an unbundled copper loop (UCL).

4. Please identify the costs associated with a service inquiry using the manual "Loop

Make-Up Service Inquiry” process (LMUSI).

5. Please identify the nonrecurring costs associated with preordering and ordering an xDSL capable loop or UCL.

6. Please identify the costs associated with ordering and provisioning a UCL.

7. Please identify the costs associated with electronically obtaining loop make-up information and/or electronically preordering or ordering loops.

8. Please identify the costs associated with “conditioning” (i.e. removing load coils, bridge taps, disturbers, etc.) xDSL loops and UCLs.

9. In instances where BlueStar requires a cross connect between BlueStar facilities included within a customers’ premise (i.e. telephone closet, etc.) and BellSouth owns or controls inside wire facilities, will BellSouth allow BlueStar to provide its own cross connect?

10. If BellSouth were asked to provide a cross connect between BlueStar facilities included within a customers’ premise (i.e. telephone closet, etc.) and BellSouth owned or controlled inside wire facilities, what rate would BellSouth require BlueStar to pay to accomplish this function? Please provide estimates of any recurring and/or nonrecurring rates that would apply. Please also provide all documents, cost studies, or other materials that support such rates.

11. Please provide a list of all multitenant buildings in Nashville and Memphis, Tennessee, in which the building owners or managers have asserted ownership of the intrabuilding network cable (INC), riser cable or network terminating wire (NTW).

12. Please describe BellSouth’s process for maintaining and providing documentation to CLECs regarding the location of and the establishment of demarcation points for multitenant

buildings in Tennessee. This answer should include the name and phone and fax numbers for the BellSouth employee to contact when requesting such information for a building.

13. State the cost of removing load coils and bridge taps that BellSouth attributes to its own retail or wholesale ADSL service in any cost analysis. Please identify the specific cost analysis referenced in your response.

14. Please state by what date BellSouth will provide electronic access to loop make-up information in LFACS and any other BellSouth databases (including those databases accessed through Map Viewer).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing BlueStar Networks, Inc.'s First Set of Data requests to BellSouth Telecommunications, Inc. (Nos.1-14) has been furnished by (*) hand delivery or U.S. Mail to the following this 3rd day of May, 2000:

(*) Honorable Gary Hotvedt, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

(*) Guy M. Hicks
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300

R. Douglas Lackey
J. Phillip Carver
General Attorneys
Suite 4300. BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375

A handwritten signature in black ink, appearing to read "Michael B. Bressman", with a long horizontal flourish extending to the right.

Michael B. Bressman